

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2010, Legislative Day No. 7

Bill No. 18-10

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All Councilmembers

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By the County Council, April 5, 2010

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A BILL  
ENTITLED

AN ACT concerning

Landmarks Preservation Commission

FOR the purpose of clarifying the existing law that certain decisions of the Baltimore County Landmarks Preservation Commission are not appealable to the County Board of Appeals; and generally relating to the processes of the Baltimore County Landmarks Commission.

BY adding

Section 32-7-501  
Article 32 - Planning, Zoning and Subdivision Control  
Title 7 - Historical and Architectural Preservation  
Baltimore County Code 2003

BY repealing and re-enacting, with amendments

Section 32-7-501(a)  
Article 32 - Planning, Zoning and Subdivision Control  
Title 7 - Historical and Architectural Preservation  
Baltimore County Code 2003

BY renumbering

Sections 32-7-502 and 32-7-503, to be  
Sections 32-7-503 and 32-7-504  
Article 32 - Planning, Zoning and Subdivision Control  
Title 7 - Historical and Architectural Preservation  
Baltimore County Code 2003

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike-out~~ indicates matter stricken from bill.  
Underlining indicates amendments to bill.

WHEREAS, Article 32, Title 7 of the Baltimore County Code establishes a legislative process for the review and approval of County historic districts and County historic landmarks in order to protect, enhance and perpetuate those districts and structures that have historic, architectural or cultural merit; and

WHEREAS, pursuant to this legislative process, the Baltimore County Landmarks Preservation Commission is authorized to make certain decisions in the form of recommendations to the Baltimore County Council; and

WHEREAS, under this legislative process, decisions of the Commission are not expressly appealable to the County Board of Appeals as a final administrative order, nor is any such decision appealable by implication, the County Council having clearly expressed its intention in the current statute; and

WHEREAS, the purpose of this Act is to explicitly state the clear and evident meaning of the statute that the legislative process for the review and approval of historic districts and historic landmarks does not authorize an appeal of Commission decisions to the Board of Appeals unless the statute is expressly amended to so provide; now, therefore

1           SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
2 COUNTY, MARYLAND that Section 32-7-501 be and it is hereby added to Article 32 - Planning,  
3 Zoning and Subdivision Control, Title 7 - Historical and Architectural Preservation of the Baltimore  
4 County Code 2003, to read as follows:

1 32-7-501. APPEAL FROM COMMISSION DECISION.

2 A DECISION, ORDER, RECOMMENDATION, OR OTHER FINDING MADE BY THE  
3 COMMISSION UNDER SUBTITLE 2 OR SUBTITLE 3 MAY NOT BE APPEALED TO THE  
4 COUNTY BOARD OF APPEALS.

5 SECTION 2. AND BE IT FURTHER ENACTED, that Section 32-7-501(a) of Article 32-  
6 Planning, Zoning and Subdivision Control, Title 7 - Historical and Architectural Preservation, of the  
7 Baltimore County Code 2003, be and it is hereby repealed and re-enacted, with amendments, to read  
8 as follows:

9 §32-7-50[1.]2. APPEAL[S.] FROM BUILDING ENGINEER DECISION.

10 (a) Board of Appeals. Within 30 days after the Building Engineer has approved, disapproved, or  
11 delayed an application for a permit UNDER SUBTITLE 4, any person aggrieved by any decision  
12 of the Commission may appeal to the County Board of Appeals.

13 SECTION 3. AND BE IT FURTHER ENACTED, that Sections 32-7-502 and 32-7-503 of  
14 Article 32 - Planning, Zoning and Subdivision Control, Title 7 - Historical and Architectural  
15 Preservation, of the Baltimore County Code 2003, be and they are hereby renumbered as Sections  
16 32-7-503 and 32-7-504.

17 SECTION 4. AND BE IT FURTHER ENACTED, that this Act, having been passed by the  
18 affirmative vote of five members of the County Council, shall take effect on May 14, 2010.